

**Director's Interim Guidance
Regarding Tax Information
Under 11 U.S.C. § 521**

Section 315(c) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the Act) mandates that the Director of the Administrative Office of the United States Courts establish procedures for safeguarding the confidentiality of tax information required to be provided under 11 U.S.C. § 521.¹

In accordance with the Act, the Director provides the following guidance on procedures to protect a debtor's tax information.²

I. No tax information filed with the bankruptcy court or otherwise provided by the debtor will be available to the public via the Internet, PACER, or CM/ECF.

In order for tax information to be electronically entered into a court's CM/ECF system, the "tax information" event must be selected from the CM/ECF event list. The "tax information" event limits access to the filed tax information to those users assigned "court" logins (*i.e.*, judicial officers and court employees). All other users (including PACER users) will be limited to viewing a docket event on the docket report indicating that tax information has been filed. These other users will not be able to open and view the tax information.

II. Debtors providing tax information under 11 U.S.C. § 521 should redact personal information as set forth in the Judicial Conference's Policy on Privacy and Public Access to Electronic Case Files.

All tax information provided in accordance with section 521 of the Bankruptcy Code is subject to the Judicial Conference of the United States Policy on Privacy and Public Access to Electronic Case Files <http://jnet.ao.dcn/it/ecf/privacy-policy.html> ("JCUS policy") (JCUSSEP/OCT 01, pp. 49-50). In accordance with the JCUS policy, the debtor should take the following steps to redact personal identifiers in any tax information filed with the court or provided to the trustee or creditor(s), in either electronic or paper form:

- **Social Security numbers.** If an individual's social security number is included, only the last four digits of that number should appear;
- **Names of minor children.** If a minor child(ren) is/are identified by name, only the child(ren)'s initials should appear;
- **Dates of birth.** If an individual's date of birth is included, only the year should appear; and
- **Financial account numbers.** If financial account numbers are provided, only the last four digits of these numbers should appear.

Court employees are not responsible for redacting any of the personal identifying information. The responsibility for redacting personal identifiers rests solely with the debtor.

1. For purposes of the Director's Interim Guidance Regarding Tax Information Under 11 U.S.C. § 521 ("Interim Guidance"), the term "tax information" includes tax returns, transcripts of returns, amendments to returns and any other document containing tax information provided by the debtor under section 521 of title 11, United States Code.
2. Interim Bankruptcy Rule 4002 (b)(5) provides that the debtor's obligation to provide tax information to the trustee or a copy of the information submitted to the trustee provided to a requesting creditor pursuant to 11 U.S.C. § 521(e)(2) is subject to the Interim Guidance. In addition, section 315(c)(1) of the Act authorizes the Director to promulgate guidance to protect the "confidentiality of any tax information required to be provided under this section," which encompasses information provided under section 521(e) and (f) of the Bankruptcy Code. Thus, except where expressly limited to tax information filed with the court, this Interim Guidance applies to any other document containing tax information required to be filed with the court or otherwise provided by the debtor under section 521 of the Bankruptcy Code.